IN THE HIGH COURT OF UTTARAKHAND
AT NAINITAL

Writ Petition No. 3683 (S/S) of 2001
WPSS/8396/1991

Smt. Ram Pyari, W/o Dile Ram Ravi,
R/o Near Railway Colony, Bijnor ------ Petitioner

Versus

1. State of Uttar Pradesh, through Secretary Bal Evam Mahila Kalyan Vibhag, Lucknow
2. Director, Bal Vikas Sewa Evam Pushtahar Yojana, Uttar Pradesh, Lucknow

------ Respondents

Hon'ble M.M. Ghildiyal, J.

Heard Sri Abdul Wahid, learned counsel for the petitioner and learned Standing Counsel for the respondents.

By means of this writ petition, the petitioner has prayed for quashing the order dated 23.02.1991 by which the petitioner, who was working as Pariyojna Adhikari was reverted on the post of Supervisor.

The stand of the petitioner is that she was appointed on the post of Mukhya Sevika (Supervisor) in Bal Vikas Pariyojna Scheme sponsored by the State of Uttar Pradesh and she joined duties in the month of May, 1982. A number of posts of Bal Vikas Pariyojna Adhikari were lying vacant in the State as no Rules were framed for recruitment of candidates on the said post. In absence of any Rule, the petitioner along with various other persons were promoted on the post of Pariyojna Adhikari vide order dated 15.11.1990 on ad hoc basis. They were entitled to continue on the post of Pariyojna Adhikari till a duly selected incumbent comes and joins on the post. Since no person was appointed on regular basis on the post of Pariyojna Adhikari, the petitioners were entitled to

continue. However, by the impugned order dated 23.02.1991, the petitioner was reverted to the post of Supervisor. Learned counsel for the petitioner has further submitted that till date no one has been appointed on regular basis.

Aggrieved with the arbitrary action of the respondents, the petitioner preferred present petition and the Hon'ble Allahabad High Court on 21st March, 1991 passed a detailed order staying the operation of impugned order dated 23.02.1991. On the basis of this stay order, the petitioner is still continuing on the post of child Development Project Officer.

No counter affidavit has been filed by the respondents. Learned counsel for the petitioner has submitted that a number of writ petitions were filed by similarly situated persons, who were also reverted back to the post of Supervisor and these writ petitions have already been disposed of by the Hon'ble Allahabad High Court. He has placed reliance on the final order passed by Hon'ble Allahabad High Court in Writ Petition No. 7362 of 1991, Smt. Basanti Srivastava and Ors. Vs. State of U.P. & Ors.

In view of the aforesaid circumstances, I deem it fit and proper to direct the respondents to permit the petitioner to continue, in case the regular recruitment on the post has not been done by the State Government and the posts have not been abolished, the petitioner shall be permitted to continue till regularly selected candidates on the post comes and joins the post.

With this direction, the writ petition is finally disposed of.

(M.M. Ghildiyal, J.)

07.05.2007
VKS